

19[✓] 1995

Bill is 105 page

MONTANA LEGISLATIVE HISTORY

Chapter 51 19 99

Bill H 30 S _____

Original bill & history APP c ST pg. only

H. Committee on Judiciary

Hearing Date(s) 1/06 ✓ c

_____ c

_____ c

_____ c

Date Out 1/12 _____ c

S. Committee on Judiciary

Hearing Date(s) 3/02 ✓ c

_____ c

_____ c

3/02 ✓ c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

1/06 Fiscal Note Printed
 1/08 Hearing
 1/18 Tabled in Committee
 3/01 Missed Deadline for General Bill Transmittal

HB 38 Introduced by Peck

LC0191 Drafter: Petesch

Generally Revise and Clarify the Montana Code Annotated;...

By Request of Code Commissioner

12/03	Introduced		
12/21	Referred to Judiciary		
1/04	1st Reading		
1/06	Hearing		
1/07	Committee Executive Action--Bill Passed	19	1
1/08	Committee Report--Bill Passed		
1/11	2nd Reading Passed	95	5
1/12	3rd Reading Passed	94	5
	Transmitted to Senate		
1/27	Referred to Judiciary		
3/02	Hearing		
3/02	Committee Executive Action--Bill Concurred	8	0
3/02	Committee Report--Bill Concurred		
3/03	2nd Reading Concurred	50	0
3/04	3rd Reading Concurred	50	0
	Returned to House		
3/04	Sent to Enrolling		
3/05	Returned from Enrolling		
3/06	Signed by Speaker		
3/09	Signed by President		
3/10	Transmitted to Governor		
3/15	Signed by Governor		
3/16	Chapter Number Assigned		
	Chapter Number 51		
	Effective Date: 3/15/1999 - Sections 1-3, 5, 6, 8, 11-17, 24-26, 28-40,		
	42-55, 62-71, 73-77, 79-87, 89, 91, 93, 95, 96 and 98-101		
	Effective Date: 1/01/2000 - Sections 4, 7, 9, 10, 18-23, 27, 41, 56-61,		
	78, 88, 90, 92, 94 and 97		
	Effective Date: 7/01/2001 - Section 72		

HB 39 Introduced by Gillan

LC0223 Drafter: Higgins

Exempt from Property Tax the First \$25,000 or less of Market Value of Class Eight Property Held in Single Ownership Within a County;....

By Request of Interim Property Tax Committee

12/03 Introduced
 12/21 Referred to Taxation
 1/04 1st Reading
 1/04 Fiscal Note Requested
 1/16 Fiscal Note Received
 1/18 Fiscal Note Signed
 1/19 Fiscal Note Printed
 1/20 Hearing



AN ACT GENERALLY REVISING AND CLARIFYING THE MONTANA CODE ANNOTATED; DIRECTING THE CODE COMMISSIONER TO CORRECT ERRONEOUS REFERENCES CONTAINED IN MATERIAL ENACTED BY THE 56TH LEGISLATURE; AMENDING SECTIONS 2-11-103, 2-16-403, 2-16-405, 2-16-619, 2-17-803, 3-5-211, 5-4-301, 5-12-302, 7-4-2506, 7-4-2512, 7-6-2317, 7-7-2203, 7-22-2144, 10-2-601, 13-1-112, 13-2-122, 13-2-221, 13-27-204, 13-27-206, 13-27-207, 13-27-302, 13-27-307, 13-36-203, 13-37-250, 15-1-112, 15-6-135, 15-17-323, 15-24-602, 15-24-1401, 15-24-2402, 15-31-121, 15-31-124, 15-31-702, 15-35-103, 15-36-314, 15-36-315, 15-50-101, 15-61-102, 15-62-204, 16-4-202, 16-4-207, 16-10-403, 17-1-505, 17-1-508, 17-3-222, 17-7-502, 18-3-110, 18-4-242, 18-8-202, 19-3-316, 19-3-412, 19-3-509, 19-6-802, 19-7-802, 19-8-105, 20-15-203, 25-13-701, 25-31-119, 25-35-508, 25-35-602, 25-35-606, 27-1-306, 27-1-704, 30-10-115, 30-10-209, 30-16-201, 32-1-440, 32-8-314, 32-8-403, 35-2-429, 37-13-316, 39-71-116, 40-5-225, 40-5-273, 40-5-413, 41-5-347, 42-2-608, 46-23-302, 50-3-109, 50-78-102, 61-3-448, 61-3-506, 61-3-721, 61-4-101, 61-8-404, 69-14-112, 70-1-301, 70-20-103, 70-21-203, 70-28-207, 71-1-306, 72-2-524, 72-3-104, 72-31-201, 75-10-743, 81-4-307, AND 81-4-510, MCA; REPEALING SECTIONS 7-2-2301, 7-2-2302, 7-2-2303, 7-2-2311, 7-2-2312, 7-2-2313, 7-2-2314, 7-2-2315, 7-2-2316, 7-2-2317, 7-2-2318, 7-2-2319, 15-35-201, 15-35-202, 15-35-203, 15-35-204, AND 15-35-205, MCA; AND PROVIDING EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-11-103, MCA, is amended to read:

"2-11-103. Definitions. As used in this part, the following definitions apply:

~~(1) "Aggrieved" means that a person can demonstrate a specific personal and legal interest, as distinguished from a general interest, that has been adversely affected.~~

~~(2)~~ (1) (a) "Government act" means the denial or issuance with conditions of a permit, certificate, license, or the equivalent of a permit, certificate, or license issued by a government entity.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

JUDICIARY

Call to Order: By CHAIRMAN ROBERT C CLARK, on January 6, 1999 at
8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Services Division
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing Date 1/6/99HB 38, HB 27, HB 28,
Posted Date 1/4/99

Call to Order by Chairman Robert C. Clark. Introductions from Committee Members and Rules of Committee were shared with Committee Members. {Tape : 1; Side : A; Approx. Time Counter : 0 - 515} {Tape : 1; Side : B; Approx. Time Counter : 515 - 705}

HEARING ON HB 38

Sponsor:

Rep. Ray Peck presented opening remarks on HB 38.
{Tape : 1; Side : B; Approx. Time Counter : 705 - 766}

Proponents:

Greg Petesch, Code Commissioner
{Tape : 1; Side : B; Approx. Time Counter : 766 - 888}

Opponents:

NONE
{Tape : 1; Side : B; Approx. Time Counter : 888 - 892}

Informational Testimony:

NONE
{Tape : 1; Side : B; Approx. Time Counter : 892 - 894}

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 894 - 900}

Closing by Sponsor:

Rep. Ray Peck closed the hearing on HB 38
{Tape : 1; Side : B; Approx. Time Counter : 900 - 927}

HEARING ON HB 27

Sponsor: Rep. Mark Noenning presented opening remarks on HB 27.
{Tape : 1; Side : B; Approx. Time Counter : 927 - 999} {Tape : 2; Side : A; Approx. Time Counter : 0 - 43} EXHIBIT(1) EXHIBIT(2)

Proponents:

Al Smith, Montana Trial Lawyers Association

HOUSE OF REPRESENTATIVE ROLL CALL

JUDICIARY

COMMITTEE

DATE 1/6/99

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Robert C. Clark, chair	X		
Dan McGee, vice chair	X		
Diana Wyatt, vice chair	X		
Chris Ahner	X		
Shiell Anderson	X		
Paul Clark	X		
Aubyn A. Curtiss	X		
Bill Eggers	X		
Tom Facey	X		
Steven Gallus	X		
Gail Gutsche	X		
Joan Hurdle	X		
Rick Jore	X		
Sam Kitzenberg	X		
Brad Molnar	X		
Mark Noenning	X		
Jim Shockley	X		
Loren Soft	X		
Carol Williams	X		
Cindy Younkin	X		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C CLARK**, on January 7, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Services Division
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: 1/7/99 HB 42, HB 53, HB 48,
Date Posted: 1/4/99

Executive Action: HB 38 DO PASS

Chairman Robert C. Clark called the meeting to order at 8:00 a.m.

HEARING ON HB 42

Sponsor:

Rep. Pavlovich presented opening remarks on HB 42
{Tape : 1; Side : A; Approx. Time Counter : 0 - 43}

Proponents:

Bill Houston, East Helena
{Tape : 1; Side : A; Approx. Time Counter : 43 - 83}

Opponents:

NONE

Informational Testimony:

Brenda Nordlund, Montana Department of Justice
{Tape : 1; Side : A; Approx. Time Counter : 83 - 150}

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 150 - 242}

Closing by Sponsor:

Rep. Pavlovich made closing remarks that stated he did not think the youths would abuse the system.
{Tape : 1; Side : A; Approx. Time Counter : 242 - 259}

Chairman Robert Clark turned the chair over to Vice-Chair McGee

HEARING ON HB 53

Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 222 - 279}

Opponents:

NONE

Informational Testimony:

NONE

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 279 - 321}

Closing by Sponsor:

Rep. Dan McGee made closing remarks.

{Tape : 2; Side : A; Approx. Time Counter : 321 - 335}

EXECUTIVE ACTION, HB 38

{Tape : 2; Side : A; Approx. Time Counter : 335 - 429}

General discussion among members regarding taking executive action on bills; procedural.

{Tape : 2; Side : A; Approx. Time Counter : 429 - 500}{Tape : 2; Side : B; Approx. Time Counter : 0 - 18}

Motion: moved by Rep. Wyatt that HB 38 do pass.

Vote: Motion carried 19-1 with Rep. Jore voting no.

{Tape : 2; Side : B; Approx. Time Counter : 18 - 33}

John Connor, from the Montana Attorney General's office gave further details regarding HB 48 that he previously had not stated.

{Tape : 2; Side : B; Approx. Time Counter : 33 - 81}

Motion: motion to adjourned passed unanimously.



HOUSE STANDING COMMITTEE REPORT

January 7, 1999

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** report that **House Bill 38** (first reading copy -- white) do pass.

Signed: Robert "Bob" Clark
Representative Robert C Clark, Chair

- END -

1361

Committee Vote:
Yes 19, No 1.

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HOUSE OF REPRESENTATIVE ROLL CALL

JUDICIARY

COMMITTEE

DATE 1/7/99

NAME	PRESENT	ABSENT	EXCUSED
Robert C. Clark, chair	/		
Dan McGee, vice chair	/		
Diana Wyatt, vice chair	/		
Chris Ahner	/		
Shiell Anderson	/		
Paul Clark /	/		
Paul Clark	/		
Aubyn A. Curtiss	/		
Bill Eggers	/		
Tom Facey	/		
Steven Gallus	/		
Gail Gutsche	/		
Joan Hurdle	/		
Rick Jore	/		
Sam Kitzenberg	/		
Sam Kitzenberg	/		
Brad Molnar	/		
Mark Noenning	/		
Jim Shockley	/		
Loren Soft	/		
Carol Williams	/		
Cindy Younkin	/		

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN LORENTS GROSFIELD, on March 2, 1999
at 9:04 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Judy Keintz, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 38, HB 104, HB 233,
2/27/1999

Executive Action: HB 38, HB 41, HB 104

HEARING ON HB 38

Sponsor: REP. RAY PECK, HD 91, Havre

Proponents: Greg Petesch, Code Commissioner

Opponents: None

Opening Statement by Sponsor:

REP. RAY PECK, HD 91, Havre, introduced HB 38, the Code Commissioner Bill, which is a requirement by statute, Section 1-11-200. He remarked that it is the Code Commissioner's responsibility to prepare and submit to the Legislative Services Division a report indicating the Commissioner's recommendation for legislation that will eliminate archaic or outdated laws, eliminate obsolete or redundant wording of laws, eliminate duplication in laws and any laws repealed directly or by implication and clarify existing laws.

Proponents' Testimony:

Greg Petesch, Code Commissioner, explained that they tried to eliminate any need for amendment or controversy. Over the course of the interim as problems with statutes are identified, they draft legislation and submit the same to each affected agency for their review. For statutes that deal with cities and towns or counties, the draft legislation is submitted to the groups that represent those entities. General criminal provisions are submitted to the Department of Justice.

Unused definitions are eliminated from the code. Erroneous references are corrected and clarified. The paper version of the Y2K problem has been addressed in this bill. Certain forms are required by law and have a 19__ blank date. These are all being changed to 20__.

There are several references to the North American Industry Classification System Manual which are being replaced to the 1987 Standard Industrial Classification Manual. These provisions are in tax sections and in workers' compensation classification sections. For the section that is changed in the workers' compensation State Fund law, there is a delayed effective date to allow the State Fund to change their policy language to comply with the new manual classification for occupations.

One of the provisions in local government that allowed new counties to be created legislatively is being repealed. The 1972 Constitution states that the counties are those in effect when the Constitution was adopted and that counties can only be changed or created by an election in each district.

The new coal production tax incentive is also being repealed and has expired by its own term and is simply being eliminated from the books.

Retroactively, two amendments are being applied in this bill. One of the amendments deals with the oil production tax credit.

The internal references were incorrect. This is necessary so that the tax credit can be properly calculated under the proper subsection references.

Opponents' Testimony: None

{Tape : 1; Side : A; Approx. Time Counter : 9.10}

Questions from Committee Members and Responses:

None.

Closing by Sponsor:

REP. PECK remarked that Mr. Petesch has always prepared a very good code commissioner bill. He added that the committee should have no difficulty approving the bill.

HEARING ON HB 104

Sponsor: REP. TONI HAGENER, HD 90, Havre

Proponents: Jane Jelinski, Montana Association of Counties
Pat Chenovick, Supreme Court Administrator
Mary Phippen, Montana Association of Clerks of
District Court

Opponents: Jeff Koch, Montana Collectors Association

Opening Statement by Sponsor:

REP. TONI HAGENER, HD 90, Havre, introduced HB 104 which parallel's HB 41, which extends the surcharge for court technology. She emphasized that the surcharge is essential to bring all of Montana's courts into the electronic age. Counties cannot afford to accomplish this on their own.

{Tape : 1; Side : A; Approx. Time Counter : 9.14}

Proponents' Testimony:

Jane Jelinski, Montana Association of Counties, rose in support of HB 104.

Pat Chenovick, Supreme Court Administrator, urged concurrence in this bill.

Mary Phippen, Montana Association of Clerks of District Court, relayed that this bill will assure continued maintenance of the

assessed to the criminal side are fair." However, the surcharges assessed to the civil side are not because there is no benefit gained.

SEN. HALLIGAN questioned whether the charges incurred could be passed onto the people the collection agency was representing. Mr. Koch affirmed that the charges were allowed to be passed on but not all cases resulted in payment. Those entities that filed for multiple clients ended up spending a large amount on surcharges and were receiving no benefit.

CHAIRMAN GROSFIELD questioned whether there were benefits for the civil side. Mr. Chenovick maintained that a litigant files a document asking the court for a remedy or solution to that particular problem. On the civil side, the clerks or employees of the court perform activities, whether manually or by using the computer system, the same as in a criminal case. He added that a user should be required to help support that system.

Closing by Sponsor:

REP. HAGENER claimed that if the civil side was not assessed surcharges, the process would be slowed down. It is important to keep up with today's technology. Without the sunset, the legislature would have to approve the appropriations for the operation.

{Tape : 1; Side : A; Approx. Time Counter : 9.34}

EXECUTIVE ACTION ON HB 38

Motion/Vote: SEN. HALLIGAN moved that HB 38 BE CONCURRED IN. Motion carried unanimously - 8-0. SEN. HALLIGAN will carry the bill on the Senate Floor.

SEN. DOHERTY joined the meeting.

EXECUTIVE ACTION ON HB 41

Valencia Lane explained that Greg Petesch, Legislative Services Division, had met with the leadership from both Houses and the agreement is that the bills dealing with CI-75 issues should be edited to assist in codification and clarification for future legislative research. All references to CI-75 and language regarding voidness and submission to the electorate for a vote should be stricken from the bills. The bills would need to be returned to the House of origin. All the CI-75 "spinoff" bills, which only address submission to the electorate, would be tabled in committee or would die in committee.

DATE 3-2-99

[illegible]



SENATE STANDING COMMITTEE REPORT

March 2, 1999

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** report that **House Bill 38** (third reading copy -- blue) be concurred in.

Signed:

Lorent Grosfield
Senator Lorents Grosfield, Chair

To be carried by Senator Mike Halligan

- END -

Committee Vote:

Yes 8, No 0.

808

471049SC.sjo

DATE March 2

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: HB 38, HB 104, HB 233

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Jeff Koch	7214454	MT Collectors ASS.	104		X
Greg Piteck		Code Commissioner	HB 38		
David V. Glick	771-1180	City of B/Falls	HB 233		
Jane Jelench	442-5201	MACO	104	X	
Mary "Marty" Phippen		MT Assn. Clerks of Dist. Ct.	^{HB} 104	X	
Robert Throssell	442-0230	MT MAGISTRATES ASSN	^{HB} 104	X	
Robert					
Jeff Koch	7214454	MT Collectors ASSN	233	X	
Jani McCall	449-7344	City of Blop	233		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY